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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,533	09/29/2000	Rabah Hamdi	1662-28700 (P99-2774)	2633

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EXAMINER	
DU, THUAN N	
ART UNIT	**PAPER NUMBER**
2116	9

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/675,533	Applicant(s) HAMDI, RABAH	
	Examiner Thuan N. Du	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment B (dated 4/13/04).

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Olafsson (U.S. Patent No. 6,163,570).

4. Regarding claim 26, Olafsson teaches an electronic device (modem), comprising:

a line interface (230) adapted to receive packets from a network [Fig. 2; col. 7, lines 9-10]; and

control logic (236) coupled to the line interface [Fig. 2] wherein, based on a predetermined power level at which a training packet is transmitted to the electronic device [col. 7, lines 25-33; col. 8, lines 24-27, 47-49], the control logic determines a power level for transmission to the electronic device [col. 7, lines 37-40; col. 8, lines 58-64].

Claim Rejections - 35 USC § 103

5. Claims 1-3, 8, 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olafsson (U.S. Patent No. 6,163,570).

6. Regarding claims 1 and 24, Olafsson teaches a method of adaptive power control in a network having a plurality of nodes (202, 204) coupled to a common transmission media (205), comprising the steps of:

sending a training packet from a transmission node (202) of the network to a receiving node (204) in the network at a predetermined power level [col. 7, lines 25-33; col. 8, lines 24-27, 47-49];

receiving the training packet at a received power level [col. 7, lines 25-33; col. 8, lines 47-49];

determining a preferred power level for reliable communications between the transmission node and the receiving node [col. 7, lines 37-40; col. 8, lines 58-64];

sending a configuration packet from said receiving node to said transmission node including the preferred power level for communication [col. 8, lines 2-5; col. 9, lines 33-36]; and

sending a primary data communication from the transmission node to the receiving node at the preferred power level [col. 8, lines 9-10, col. 9, lines 55-57].

Olafsson does not explicitly teach the training packet is sent when no communications are present on the transmission media. However, Olafsson teaches that the system 200, including the transmission node and the receiving node, needs to complete the training process prior to send/receive data to/from each other. To complete the training process, the system 200 first enters into training mode. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that at the time the training process is taken place (the training packet is sent), the transmission node and the receiving node of the system 200 is not sent/received data to/from each other.

7. Regarding claim 2, Official notice has taken that data collision detection is well known which used for detecting the data collision on the transmission media. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Olafsson to include a data collision detection circuitry for detecting the collision on the transmission media to prevent the data conflict and/or loss.

8. Regarding claim 3, Olafsson teaches that the average noise level on the transmission media of the network is determined [col. 8, line 58 to col. 9, line 5].

9. Regarding claim 8, Olafsson teaches that the training packet is sent at a predetermined power limit [col. 7, lines 30-32]. The predetermined power limit obviously can be set at any suitable power level. Therefore, it would have been obvious to one of ordinary skill in the art to recognized that full power (level) can be set as predetermined power limit.

10. Regarding claim 9, Olafsson teaches that the preferred power level for the communications between the transmission node and the receiving node is minimum power level for reliable communications [col. 6, lines 12-24].

11. Claims 4-7, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olafsson (U.S. Patent No. 6,163,570) and Decker et al. [Decker] (U.S. Patent No. 4,757,495).

12. Regarding claims 4-7, 25 and 27, Olafsson does not explicitly teach the determination of the amount of attenuation suffered by the training packet between the transmission node and the receiving node.

Decker teaches a method comprising the steps of:

determining the average noise level [col. 7, lines 44-45];

determining the signal level based on the determined noise level [col. 7, lines 46-47];

determining the amount of attenuation suffered by the packet between the transmission node and the receiving node [col. 7, lines 44-45]; and

determining the proper transmit level [col. 7, lines 46-48].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Olafsson to include the step of determining the amount of attenuation suffered by the packet between the transmission node and the receiving node as taught by Decker because it would increase the accuracy and reliability of the system.

13. Regarding claims 10-23, Olafsson and Decker together teach the claimed method steps. Therefore, Olafsson and Decker together teach the apparatus to implement the claimed method steps.

Conclusion

14. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

Thuan N. Du
June 16, 2004